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OUR FILE NUMBER:

005040.00146  
14498877.1

October 26, 2016

*VIA EMAIL AND OVERNIGHT MAIL*

Lori Glasgow, Executive Officer  
Los Angeles County Board of Supervisors  
Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 383  
Los Angeles, California 90012  
Email: [executiveoffice@bos.lacounty.gov](mailto:executiveoffice@bos.lacounty.gov) and [submit@bos.lacounty.gov](mailto:submit@bos.lacounty.gov)

**ADOPTED**

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

61 December 20, 2016



LORI GLASGOW  
EXECUTIVE OFFICER

**Re: Hawthorne School District's Request for Consolidation of Governing Board Elections with Statewide General Elections**

Dear Ms. Glasgow:

Our firm is legal counsel for the Hawthorne School District ("District"). This letter and the enclosed Resolution No. 7, 2016-2017 serve as the District's formal request to consolidate its Governing Board elections with the Los Angeles County ballot and the statewide general elections in November of even-numbered years, commencing in November of 2018 (the "Request").

The District currently conducts its elections during off-cycle (odd-numbered) election years. As you know, the California Voter Participation Rights Act ("CVPA") authorizes lawsuits against jurisdictions, including school districts, to combat low voter turnout. The CVPA provides that beginning in January 2018, a jurisdiction that holds its regular elections on a date other than June or November of even years can be sued to force a change of the jurisdiction's election date if turnout among eligible voters at one of its regular elections was at least 25 percent lower than the average turnout in that jurisdiction in the prior four statewide elections.

To determine its obligations under the CVPA, the District commissioned an analysis of its voter turnout history. The analysis indicated that the District experiences a significant decrease in voter turnout such that voter turnout at the District's regularly scheduled off-cycle elections are at least 25 percent less than the average voter turnout within the District for the previous four statewide general elections. Based on this historical evidence of low voter turnout during District Governing Board elections, the District initiated the process of consolidating its elections with the statewide general elections by adopting the enclosed Resolution on September 14, 2016.


Lori Glasgow, Executive Officer, L.A. County Board of Supervisors  
October 26, 2016  
Page 2

The District's rationale for adopting the Resolution to consolidate its Governing Board Elections with the statewide general election dates is twofold. First, consolidation will increase voter turnout rates and, presumably, decrease voter fatigue within the District as voters will have to vote in fewer elections. Second, the District wishes to conserve its fiscal resources for the education of students rather than spend it on costly litigation. If the Governing Board election cycle is not changed, the District may be vulnerable to lawsuits under the CVPA. Additionally, the CVPA allows a prevailing plaintiff to collect attorney's fees and costs, including expert witness fees. (Elections Code § 14054.) In contrast, a school district that prevails in CVPA litigation, is not entitled to attorney's fees or costs unless the court finds the case was frivolous, unreasonable, or without foundation.

We understand that in September of 2015, the Los Angeles County Board of Supervisors changed its long-standing policy of denying consolidation requests. We were informed that since the change to Policy No. 3.170, only one entity has had its request for consolidation with the statewide general election denied, due to its adoption of a voting system that Los Angeles County was not physically prepared to implement.

In light of the reasons stated above, the District respectfully requests that the Los Angeles County Board of Supervisors approve its Request to consolidate District Governing Board elections with the statewide general elections occurring in even-numbered years, commencing with the November 2018 election.

Very truly yours,



Warren S. Kinsler

WSK/TMT:jkc

Enclosure:

Hawthorne School District Board Resolution No. 7 2016-2017

cc: Dr. Helen E. Morgan, Superintendent, Hawthorne School District  
(via email only - hmorgan@hawthorne.k12.ca.us)  
Alex Olvera, Division Manager of Election Information and Preparation  
L.A. Registrar, Recorder & County Clerk's Office  
(via email only - aolvera@rrcc.lacounty.gov)

**Hawthorne School District  
Regular Board Meeting  
September 14, 2016  
6:00 PM**

**Action Item: VI- d. 2016-2017 Resolution #7 to Consolidate the District's Governing Board Elections with the Statewide General Election**

**Recommended Motion:**

Adopt 2016-2017 Resolution #7, "A Resolution of the Governing Board of the Hawthorne School District for Consolidation of Future Governing Board Member Elections with the Statewide General Election Pursuant to Elections Code Section 1302(b)".

**Motion Passed:**

Passed with a motion by Luciano Aguilar and a second by Sergio Mortara.

**Votes:**

Luciano Aguilar	Yes
Cristina Chiappe	Yes
Dr. Eugene Krank	Yes
Alexandre Monteiro	Yes
Sergio Mortara	Yes

**Rationale**

The request for consolidation must be approved by the L.A. County Board of Supervisors.

**Related Goals**

District Culture: Foster a climate where open communication and innovation are valued, encouraged and supported

**Comments**

Recommended by: Dr. Helen E. Morgan, Superintendent

**2016-2017  
RESOLUTION #7  
A RESOLUTION OF THE GOVERNING BOARD OF THE HAWTHORNE SCHOOL  
DISTRICT FOR CONSOLIDATION OF FUTURE GOVERNING BOARD MEMBER  
ELECTIONS WITH THE STATEWIDE GENERAL ELECTION PURSUANT TO  
ELECTIONS CODE SECTION 1302(b)**

**RECITALS**

**WHEREAS**, the current date for election of governing board members of the Hawthorne School District ("District") is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g., November 2017) [Ed. Code § 5000 and Elect. Code § 1302(a)]; and

**WHEREAS**, statewide elections are held in California only in June and November of even-numbered years (e.g., November 2016) [Elec. Code § 1001]; and

**WHEREAS**, with the recent passage of the California Voter Participation Rights Act [Elec. Code §§ 14050, et seq.], the Legislature has indicated its interest in providing for the greatest possible voter participation in local elections, including school district governing board member elections; and

**WHEREAS**, voter turnout is generally greater for statewide elections than for special local elections including school district governing board member elections; and

**WHEREAS**, the Board desires to change the date of future governing board member elections to be consolidated with the California Statewide general election in order to provide greater voter input into governing board elections; and

**WHEREAS**, Elections Code section 1302(b) authorizes the District to change the election date for its Governing Board members by adopting a resolution for consolidation of election and seeking approval of the change by the Los Angeles County Board of Supervisors in accordance with Elections Code section 10404.5; and

**WHEREAS**, if the change in election date is approved, the November 2017 District election date will be moved to the first Tuesday after the first Monday in November 2018, with the terms of Governing Board members which would have expired in December 2017 being extended to December 2018 and the terms of governing board members which would have expired in December 2019 being extended to December 2020 [Elec. Code § 10404.5(g)].

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Board of the District adopts this Resolution to consolidate the election date for members of the governing board with the date for the California general election in November in even numbered years [Elec. Code § 1001] pursuant to Elections Code section 1302(b).

**BE IT FURTHER RESOLVED** that the Superintendent is directed to submit this Resolution to the Los Angeles County Board of Supervisors explaining the rationale for the Resolution and requesting formal approval of the change by the Los Angeles County Board of Supervisors at a public meeting within 60 days after submission and after the Resolution has been posted in public places.

**BE IT FURTHER RESOLVED** that if the request for consolidation of election is approved by the Los Angeles County Board of Supervisors, the District recognizes its obligation to pay the expense of mailing the notice of approval of the change in election date by the Los Angeles County Board of Supervisors as required by Elections Code section 10404.5(e).

**BE IT FURTHER RESOLVED** that if the request for consolidation of election is approved by the Los Angeles County Board of Supervisors, the date of the next scheduled Governing Board election in November 2017 shall be moved to the first Tuesday after the first Monday in November 2018 and each subsequent Board member election shall be held two years thereafter in November of even-numbered years in conjunction with the statewide general election.

**BE IT FURTHER RESOLVED** that if the request for consolidation of election is approved, the term of office of current governing board members expiring in December 2017 shall be extended to December 2018 and the term of Governing Board members expiring in December 2019 shall be extended to December 2020.

**APPROVED AND ADOPTED** by the Governing Board of the Hawthorne School District of Los Angeles County, State of California, this 14th day of September 2016.



Alexandre Monteiro, President  
Governing Board of the Hawthorne School District

I, Sergio R. Mortara, Clerk of the Governing Board of the Hawthorne School District, do hereby certify that the foregoing Resolution was adopted by the Governing Board of said District at a meeting of said Board held on the 14th day of September, 2016 and that it was so adopted by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 5

Date: 9-14-16



Clerk of the Governing Board of the  
Hawthorne School District